

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

PART 618  
MAXIMUM SETBACK ZONES

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AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. 10448, effective May 23, 2006; amended in R11-25 at 36 Ill. Reg. 10042, effective June 27, 2012; amended in R18-26 at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

**Section 618.105 Definitions**

- a) Unless specified otherwise, all terms ~~shall~~ have the meanings set forth in the Illinois Environmental Protection Act [415 ILCS 5], the Illinois Groundwater Protection Act [415 ILCS 55], and 35 Ill. Adm. Code 671.
- b) For the purposes of this Part, the following definitions apply:  
"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Facility" means *the buildings and all real property contiguous to the buildings~~hereto~~, and the equipment at a single location used for the conduct of business* [430 ILCS 45/3].

"New Potential Primary Source" means:

*a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or*

*a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or*

*a potential primary source which is part of a facility that undergoes major reconstruction. Reconstruction is considered~~Such reconstruction shall be deemed~~ to have taken place ~~if where~~ the fixed capital cost of the new components, constructed within a 2-year period, exceeds~~exceed~~ 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].*

"New Potential Route" means:

*a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or*

*a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].*

"New Potential Secondary Source":

*means a potential secondary source which:*

*is not in existence or for which construction has not commenced at its location as of July 1, 1988; or*

*expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as*

of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

is part of a facility that undergoes major reconstruction.

Reconstruction is considered~~Such reconstruction shall be deemed~~ to have taken place ~~if~~<sup>where</sup> the fixed capital cost of the new components, constructed within a 2-year period, ~~exceeds~~<sup>exceed</sup> 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.355]; but

excludes an agrichemical facility that *modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; if*~~provided that~~ a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides. [415 ILCS 5/14.2(g)(4)]

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

*is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or*

*is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or*

*is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or*

*stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances [415 ILCS 5/3.345].*

"Potential route" means *abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel [415 ILCS 5/3.350].*

"Potential secondary source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

*is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or*

*stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or*

*stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or*

*stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or*

*stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or*

*is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].*

"Setback zone" means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.450].

"Site" means any location, place, tract of land, and facilities, including ~~but not limited to~~ buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder [415 ILCS 5/3.460].

"Unit" means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities. [415 ILCS 5/3.515]

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizer, road oils, or de-icing agents falls within the unit boundary.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **Section 618.110 Regulated Activities, Facilities, or Units**

All new or existing activities, facilities, or units located wholly or partially in any maximum setback zone created by this Part ~~are~~will be subject to the groundwater ~~requirements~~rules set forth in Section 14.4 of the Act and any Board ~~rules~~regulations promulgated ~~under~~pursuant to Section 14.4 of the Act, including, ~~but not limited to,~~ 35 Ill. Adm. Code 615 and 616.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## **SUBPART B: ESTABLISHED MAXIMUM SETBACK ZONES**

### **Section 618.200 Purpose**

This Subpart ~~describes~~prescribes maximum setback zones for individual community water supply wells in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 618.205 Marquette Heights' Maximum Setback Zone**

The Marquette Heights' maximum setback zone is established as delineated in Appendix A ~~of this Part.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 618.210 Fayette Water Company's Maximum Setback Zone**

The Fayette Water Company's maximum setback zone is established as delineated in Appendix B ~~of this Part.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)